

Notice of Allowability

Application No.

09/319,093

Examiner

Kambiz Abdi

Applicant(s)

HAN, MIN-JAE

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to BPAI rendered decision on November 21, 2006.
2. ☒ The allowed claim(s) is/are 1-18.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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DETAILED ACTION

1. The prior office actions are incorporated herein by reference. In particular, the observations with respect to claim language, and response to previously presented arguments.

- Claims 1-18 have been allowed.

Allowable Subject Matter

2. Claims 11, 13, 16-20, and 25-29 are allowed over the prior art of record.

The following is an examiner's statement of reason for allowance:

3. The closest prior arts of record are BALL et al., SUZUKI, YOSHIOKA, FREENY, JR., and ENDOH. Ball discloses a record/playback apparatus as claimed except that it fails to disclose that payment is imposed upon the user based upon dubbing speed selected by the user and causing the record/playback unit to start the recording at a standard dubbing speed without transmitting the basic data to the payment imposing unit. Suzuki teaches an information providing apparatus that enables user-selected information to be recorded and enables the user to select a speed at which the information is transmitted and recorded to a local terminal, wherein payment is imposed on the user based on the selected transmission or recording speed. Yoshioka teaches a digital disc reproduction system that includes a control unit to control the recording operation in fast speed dubbing mode as well as standard speed dubbing mode using a selector switch. Yoshioka also teaches that the recording is started in the standard speed-dubbing mode without transmitting any data to a payment-imposing unit since Yoshioka is not concerned with paying for the service.

4. As the rendering of the decision by the Board of Patent Appeals and Interferences on November 21, 2006 clearly states, in regards to claims 1 and 11, the closest prior arts of record BALL et al., SUZUKI, YOSHIOKA, FREENY, JR., and ENDOH, when taken either individually or in combination with other prior arts of record, that the combination of arts mentioned above fail to fairly teach, suggested, or motivated one skilled in the art at the time of the invention to dub a copy at standard speed without charging for it, while at the same time charging for copies dubbed at higher than standard speeds. Both

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Ball and Suzuki describe systems that assess some charge for each copy made or program provided regardless of speed, because they are designed to pay a royalty to the copyright holder for every copy.

5. Claims 2-10 and 12-18 are dependent upon independent claims 1 and 11, thus they all have the limitations of independent claims 1 and 11. Therefore, they are allowable for that same reason stated above.

Conclusion

6. Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the examiner should be directed to **Kambiz Abdi** whose telephone number is **(571) 272-6702**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **Andrew Fischer** can be reached at **(571) 272-6779**.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see;

<http://portal.uspto.gov/external/portal/pair>

8. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

9. Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks
Washington, D.C. 20231**

or faxed to:

(571) 273-8300 [Official communications; including After Final communications labeled "Box AF"]

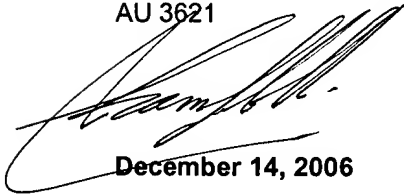
(571) 273-6702 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

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Hand delivered responses should be brought to the Examiner in the

Knox Building, 50 Dulany St. Alexandria, VA.

Kambiz Abdi
Primary Examiner
AU 3621

A handwritten signature in black ink, appearing to read 'Kambiz Abdi', is written over the printed name and title.

KAMBIZ ABDI
PRIMARY EXAMINER

December 14, 2006